

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**
Pittsburgh Division

IN RE: CHRISTINA SUSCHAK and PATRICK SUSCHAK	Case No. 19-20402-CMB Chapter 13
Freedom Mortgage Corporation, Movant	Hearing Date: August 10, 2021 Hearing Time: 2:30 PM Objection Date: August 2, 2021
vs.	
CHRISTINA SUSCHAK and PATRICK SUSCHAK, Debtor	
Ronda J Winnecour Respondent	

RESPONSE TO MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS

COMES NOW, Freedom Mortgage Corporation, (herein, “Respondent”) by and through undersigned counsel, and hereby responds to the Motion to Sell Property Free and Clear of Liens [Doc. 91] filed on July 16, 2021 and in support thereof, shows unto the Court as follows:

1-5. Admitted.

6. Admitted in part; Denied in part. It is admitted only that the Property is encumbered by a second mortgage to Freedom Mortgage Corporation. The remainder of this averment is denied as a conclusion of law. By way of further response, Respondent objects to any Order permitting sale of the property without the following:

- a. Respondent’s lien is paid in full from the closing proceeds, pursuant to a proper payoff quote obtained prior to and good through the closing date; or

b. Any short payoff is approved by Respondent; and

c. Debtor(s) shall have ninety (90) days from entry of the Order to sell the Real Property.

7-11. Admitted.

12. Admitted. By way of further response, Respondent objects to any distribution of sale proceeds prior to its lien being paid in full.

1-9(sic). Admitted.

10-12. Denied.

13. Denied. Respondent objects to any sale of the property without its lien being paid in full or Respondent's acceptance of a short payoff.

14-15. Denied

16. Admitted.

17-19. Admitted. By way of further response, Respondent objects to any distribution of sale proceeds prior to its lien being paid in full.

20. Denied. Strict proof is demanded.

21-24. Denied. Respondent objects to any sale of the property without its lien being paid in full or Respondent's acceptance of a short payoff.

25. Admitted.

26. Denied. Strict proof is demanded.

27-28. Admitted. By way of further response, Respondent objects to any distribution of sale proceeds prior to its lien being paid in full.

29-30. Denied. Strict proof is demanded.

31. Admitted.

WHEREFORE, Respondent respectfully requests that any order permitting the sale of the Real Property condition the same upon the conditions set forth above and for any

other relief the Court deems just and proper.

This the 2nd day of August, 2021

/s/ Mario Hanyon

Mario Hanyon

(Bar No. 203993)

Attorney for Creditor

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**CERTIFICATE OF SERVICE OF RESPONSE TO MOTION TO SELL
PROPERTY FREE AND CLEAR OF LIENS**

I certify under penalty of perjury that on August 2, 2021, I served or caused to be served the RESPONSE TO MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS on the parties at the addresses shown below or on the attached list.

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was:

Via CM/ECF electronic notice:

Justin P. Schantz
Law Care
324 S. Maple Avenue, 2nd Floor
GREENSBURG, PA 15601
Counsel for Debtor

Ronda J Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Chapter 13 Trustee

Via First Class Mail:

CHRISTINA SUSCHAK
721 MISSION RD
LATROBE, PA 15650-2617

PATRICK SUSCHAK
712 CHESTNUT ST
LATROBE, PA 15650-2004
Debtor

Ronda J Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Chapter 13 Trustee

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, names and addresses of parties served by electronic notice will be listed under the heading "Via CM/ECF electronic notice" and those served by mail will be listed under the heading "Via First Class Mail".

EXECUTED ON: August 2, 2021

/s/ Mario Hanyon
Mario Hanyon
(Bar No. 203993)
Attorney for Creditor
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